

STATE OF VERMONT

SUPERIOR COURT

CIVIL DIVISION

RUTLAND UNIT

Docket No. 597-10-15 Rdcv

STATE OF VERMONT, AGENCY OF )  
AGRICULTURE, FOOD and MARKETS, )  
and AGENCY OF NATURAL )  
RESOURCES, )  
Plaintiff, )

v. )

WILLIAM and ROBIN HANFIELD, )  
Defendants. )

**FILED**  
**APR 27 2016**  
VERMONT SUPERIOR COURT  
RUTLAND

**JUDGMENT ORDER**

Plaintiff State of Vermont, Agency of Agriculture, Food and Markets and Agency of Natural Resources has moved this Court to enter a default judgment against Defendants William and Robin Hanfield. Based on the pleadings on file in this case and the affidavits and exhibits supporting Plaintiff's motion, the Court finds as follows:

1. Plaintiff filed a complaint in this action on October 8, 2015.
2. On October 27, 2015, Plaintiff filed a Return of Service with the Court showing that service of the summons and complaint was made upon Defendants, pursuant to V.R.C.P. 4, by the Rutland County Sheriff on ~~Feb. 16~~ Feb. 16, 2015.
3. Defendants have not answered the Complaint or otherwise defended this action.
4. Plaintiff filed a Motion for Default Judgment on ~~March 21~~ March 21, 2016, with supporting affidavits and exhibits establishing the liability of Defendants. The affidavits and exhibits accompanying the Motion for Default Judgment also establish that Defendants are not infants, the State has no reason to believe that

either is an incompetent person, and Defendants are not persons in military service.

5. Plaintiff's Motion for Default Judgment is hereby GRANTED by the issuance of this Judgment Order.

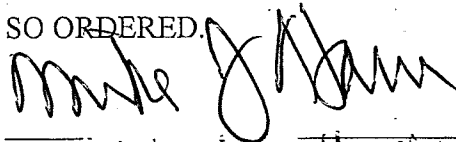
It is therefore ORDERED, ADJUDGED and DECREED that Plaintiff State of Vermont, Agency of Agriculture, Food and Markets and Agency of Natural Resources shall have judgment against Defendants William and Robin Hanfield as follows:

- A. Defendants are liable for a violation of 10 V.S.A. § 1259(a) for discharging waste (manure-laden water) from their overtopped manure pit to waters of the state, i.e. the unnamed tributary of the Neshobe River, on December 26, 2014 without a permit from the Secretary of the Agency of Natural Resources;
- B. Defendants are liable for a violation of 10 V.S.A. § 1259(a) for discharging waste (manure-laden water) from their overtopped manure pit to waters of the state, i.e. the unnamed tributary of the Neshobe River, on December 30, 2014 without a permit from the Secretary of the Agency of Natural Resources;
- C. Defendants are liable for a violation of 10 V.S.A. § 1259(a) for discharging waste (manure-laden water) from their overtopped manure pit to waters of the state, i.e. the unnamed tributary of the Neshobe River, on January 9, 2015 without a permit from the Secretary of the Agency of Natural Resources;

- D. Defendants are liable for violating section 4.01(a) of the Vermont Accepted Agricultural Practices (AAPs) for creating a direct discharge of waste into the surface waters of the state, i.e. the unnamed tributary of the Neshobe River, from a discrete conveyance, i.e. a ditch or conduit, without a permit from the Secretary of the Agency of Natural Resources, on December 26 and 30, 2014 and January 9, 2015;
- E. Defendants are liable for violating section 4.01(b) of the Vermont AAPs for failing to manage and control the farm's manure pit to prevent the runoff of waste to adjoining waters and across property boundaries, including December 26 and 30, 2014 and January 9, 2015 when discharges to waters of the state were observed; and
- F. Defendants are liable for violating section 4.01(d) of the Vermont AAPs for failing to manage and maintain the farm's waste management system so as to prevent discharges or structural failures by allowing the farm's manure pit to overtop on December 26 and 30, 2014, and January 9, 2015, and by failing to properly connect the milk house pipe to the manure pit as observed on or about September 18, 2014.

The State may request a hearing on civil penalties and any necessary corrective action that is needed at the farm location.

SO ORDERED.



Hon. Michael J. Harris  
Superior Court, Civil Division, Rutland Unit

4/27/16  
Date